

Exhibit 184

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.

Civil Action No. 07-10248-PBS

Exhibit to the September 22, 2009, Supplemental Declaration of James J. Fauci
In Support of Plaintiff's Motion for Partial Summary Judgment and
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

SUPERIOR COURT
COMPLEX LITIGATION
DOCKET at TOLLAND

STATE OF CONNECTICUT,
Plaintiff,

vs.

Docket No.
X07 CV-03-0083296-S(CLD)

DEY, INC., ROXANE LABORATORIES, INC.,
WARRICK PHARMACEUTICALS CORP.,
SCHERING-PLOUGH CORP.
AND SCHERING CORPORATION,
Defendants
~~~~~

CONFIDENTIAL

DEPOSITION OF

THOMAS VIA

October 18, 2005  
9:30 a.m.

52 East Gay Street  
Columbus, Ohio

Lori M. Barnes, RPR

1 A. I don't know.

2 Q. You don't know one way or the  
3 other?

4 A. Yeah, I don't know one way or the  
5 other.

6 Q. And then it also indicates, "RDI  
7 shall act as a consultant to Roxane,  
8 apprising Roxane of any changes within the  
9 home care industry." Is that correct?

10 A. Correct.

11 Q. Would those changes include any  
12 changes related to reimbursement?

13 A. I don't know.

14 MR. COVAL: Objection.

15 Q. Reimbursement changes would be  
16 important for Roxane to become informed about,  
17 correct, especially with respect to this  
18 product?

19 MR. COVAL: Objection.

20 A. I don't have a recollection one  
21 way or the other.

22 Q. Okay. We are finished with that.  
23 Let me hand you ten.

24 MR. GOLDENBERG: Exhibit 10 is a  
25 series of documents that's four pages long,

1 starting with Bates RoxCT 0050672 through  
2 RoxCT 0050676.

3 MR. COVAL: I've got one missing  
4 if that's supposed to be sequential. I go  
5 from 72 to 74.

6 MR. GOLDENBERG: You're right. Me  
7 too. It's not sequential. It goes 50672,  
8 50674, 50675 and then 50676, and these are  
9 each Roxane Item Master Record Maintenance  
10 forms where the item description indicates  
11 that they're each for Ipratropium Bromide,  
12 different packaging sizes, and contains certain  
13 pricing information. Tom Via is CC'd on the  
14 bottom, I believe, of each of those  
15 documents.

16 THE WITNESS: Yes.

17 BY MR. GOLDENBERG:

18 Q. Tom, do you recognize these  
19 documents as something that you would have  
20 come across or seen during your time with  
21 Roxane?

22 A. Yes.

23 Q. What are these documents?

24 A. They are the pricing information  
25 when we launch a new product that we put

1 together.

2 Q. Okay. And what product do these  
3 sheets relate to?

4 A. Ipratropium Bromide. There are  
5 three different packages, the 25-count package,  
6 the 60-count package and the 30-count package.  
7 There are two sheets on the 30-count package,  
8 one only has one signature and then the  
9 0050676 has everybody's signature.

10 Q. So 50675 and 50676 appear to be  
11 the same item description with respect to  
12 Ipratropium Bromide, the only difference being  
13 that 50676 contains more signatures, correct?

14 A. Correct.

15 Q. Okay. And your assessment of  
16 these documents is based on your review,  
17 correct?

18 A. Correct.

19 Q. Without revealing any privileged  
20 conversation, when do you last recall seeing  
21 these documents prior to today?

22 A. I don't have any specific  
23 recollection of seeing these documents.

24 Q. You didn't prepare these documents,  
25 did you?